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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,792	06/10/2002	Axel Buerck	449122024600	4996
25227	7590	06/16/2004	EXAMINER	
MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 300 MCLEAN, VA 22102			AL AUBAIDI, RASHA S	
			ART UNIT	PAPER NUMBER
			2642	9
DATE MAILED: 06/16/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/069,792	BUERCK ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Rasha S AL-Aubaidi	2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 June 2002.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20, which have been renumbered as 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-19 is/are rejected.
- 7) Claim(s) 16 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>02/28/02</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### *Claim Objections*

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Claim 15 is missing. Therefore, misnumbered claim 16 been renumbered as claim 15.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 9-10, 12-13, 15-16 and 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by European Patent Application (EP 0920234 A2) hereinafter D1.

Regarding claim 1, D1 teaches a method for setting up and/or clearing a communications link (see abstract), comprising: setting up and/or clearing a communications link for transporting communication data (this reads on the call control message between the switching nodes, see col. 2, lines 38-45) which is carried out by at least one functional unit in a communications network (this reads on the signaling network carrying out the messages, see col. 2, lines 40-45); and controlling the connection function which is carried out by a second functional unit in the communications network (see col. 2, lines 38-57), wherein the first and the second functional units are physically separated from one another (this reads on the first broadband connectivity network and the second narrow band signaling network, see col. 3, lines 1-5).

Claims 9-13, and 18-19 are rejected for the same reasons as discussed above with respect to claim 1.

Regarding claim 2, D1 teaches the signaling to control the setting up and/or clearing of a communications link, wherein the connection is set up and/or cleared via a transport network; and signaling is carried out via a control network (see col. 5, lines 1-6).

Regarding claim 3, D1 teaches said signaling is controlled by a central device (this reads on the subnetwork signaling device 34, see col. 5, lines 24-28).

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Regarding claim 4, D1 teaches setting up the communications link in the transport network via at least one decentralized device (this reads on ATM switches 20 and 22 that are located in ATM network 18, see col. 5, lines 6-23 and Fig. 1).

Regarding claims 5 and 16, D1 teaches the central device controls a decentralized switching device (see col. 8, lines 29-50 and Fig. 1).

Regarding claim 8, D1 teaches an asynchronous transmission method is used for transmission via the communications link (see col. 5, line 7).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a

later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 6-7, 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over D1 in view of PCT (WO 93 15583) hereinafter D2.

Regarding claims 14 and 17, D1 does not teach specifically the use of PBX, instead D1 system and method was implemented in AIN network.

However, D2 teaches an interworking unit that is responsible to provide changes between PBXs that are connected together (see abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of a PBX, as taught by D2, into the D1 system in order to provide the versatility by using different environment.

Claim 6 recites the limitations of “setting up and/or clearing a communications link to a communications terminal, and setting up the connection via the transport network by producing at least one time slot control information item in the central device, which information item is used for setting up connections in the transport network (since D1 teaches the subnetwork signaling controller 34 uses look up tables, which stores information and data. Therefore, the use of specifying any time slot would have been obvious).)

Claim 7 is rejected for the same reasons as discussed above with respect to claim 6 and 1.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (703) 605-5145. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:30 pm.

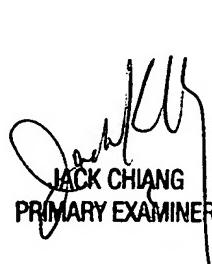
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Examiner

Rasha S. Al-Aubaidi

06/10/2004

  
JACK CHIANG  
PRIMARY EXAMINER